IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.2820 OF 2005

Nishith M. Desai — Petitioner
vs.
Central Board of Direct Taxes & ors. — Respondents

Mr.Feroze Andhyarujina, Senior Counsel i/b.Ms.Pallavi Divakar for the petitioner.

Mr.A.S.Rao for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 13th March, 2006

P.C.

Rule. Returnable forthwith. Mr.A.S.Rao, advocate waives service for the respondents. Rule is heard finally at this stage.

2. Mr.A.S.Rao, the learned counsel for the revenue submits that the applications for approval under Section 80RRA of the Income Tax Act, 1961 made by the petitioner shall be reconsidered by the Central Board of Direct Taxes. He also submits that an opportunity of hearing, if requested by the petitioner, shall also be given by the Board before deciding the applications for approval under Section 80RRA.

3. In our considered view, the submission of the learned counsel for the revenue is fair and reasonable and in view thereof, it is not necessary for us to go into the diverse contentions raised in the writ

petition.

4. We, accordingly, dispose of the rule by the following order:

(i) The order dated 22nd June, 2005 passed by the Central Board of Direct Taxes is set aside.

(ii) The Central Board of Direct Taxes shall reconsider 38 applications for approval made by the petitioner under Section 80RRA of the Income Tax Act, 1961 in accordance with law.

(iii) Upon request being made by the petitioner for personal hearing, we observe that the Central Board of Direct Taxes shall hear the petitioner before passing the order on the applications for approval under Section 80RRA of the Income Tax Act, 1961.

. No costs.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)